

Hon. Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EL PAPEL, LLC; BERMAN 2, LLC; and
KARVELL LI, an individual,

Plaintiffs,

v.

JAY R. INSLEE, in his official capacity as
Governor of the State of Washington;
JENNY A. DURKAN, in her official
capacity as the Mayor of the City of Seattle;
and THE CITY OF SEATTLE, a municipal
Corporation,

Defendants.

Civil Action No. 2:20-cv-01323-RAJ-JRC

**PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO CONDITIONALLY
AMEND THE COMPLAINT**

**Note on Motion Calendar:
December 14, 2020**

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs have obtained Defendants' written consent to amend the Complaint in this matter. *See* Exhibit A. As required by Local Civil Rule 15, Plaintiffs have included as Exhibit B the proposed amended pleading with brackets around language to be deleted and underlining to indicate proposed language to be added. *See* Exhibit B.

The United States Magistrate Judge in this matter recently issued a Report and Recommendation, suggesting that this Court should dismiss State Defendants on the grounds of

sovereign immunity. *See* Dkt # 63 at p. 30. Should this Court agree with the Report and Recommendation on this question, Plaintiffs seek leave to amend the complaint to add Washington Attorney General Robert Ferguson.

As required by Local Civil Rule 15, Plaintiffs have included as Exhibit B the proposed amended pleading with brackets around language to be deleted and underlining to indicate proposed language to be added. *See* Exhibit B.

The proposed amended complaint would simply add Robert Ferguson as a defendant, named in his official capacity as Attorney General for the State of Washington, and adds a brief sentence regarding Mr. Ferguson as a party in paragraph 12.

DATED: December 14, 2020.

Respectfully submitted:

s/ ETHAN W. BLEVINS

s/ BRIAN T. HODGES

Ethan W. Blevins, WSBA # 48219

Brian T. Hodges, WSBA # 31976

Pacific Legal Foundation

255 South King Street, Suite 800

Seattle, Washington 98104

Telephone: (425) 576-0484

Email: EBlevins@pacificlegal.org

Email: BHodges@pacificlegal.org

s/ KATHRYN D. VALOIS

KATHRYN D. VALOIS*

Fla. Bar. No. 1010150

Pacific Legal Foundation

4440 PGA Blvd., Suite 307

Palm Beach Gardens, FL 33410

Telephone: (561) 691-5000

Email: KValois@pacificlegal.org

* Pro hac vice

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ ETHAN W. BLEVINS
Ethan W. Blevins, WSBA # 48219

Attorney for Plaintiffs